

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ANTHONY FIOZZO,

Plaintiff,

-against-

6:05-CV-0561 (LEK/VEB)

MICHAEL J. ASTRUE, *Commissioner*  
*of Social Security*,

Defendant.

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**DECISION and ORDER**

This matter comes before the Court following a Report-Recommendation filed on January 19, 2011 by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 24). On February 2, 2011, Plaintiff Anthony Fiozzo (“Plaintiff”) filed objections (“Objections”) to the Magistrate Judge’s Report-Recommendation. Dkt. No. 25.

This Court is to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* Where, however, an objecting “party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error.” *Farid v. Bouey*, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008) (quoting *McAllan v. Von Essen*, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007) (citations and quotations omitted)).

The Court has considered the Objections, undertaken a de novo review of the record, and determined that the Report-Recommendation should be approved for the reasons stated therein.

For the above reasons, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 24) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

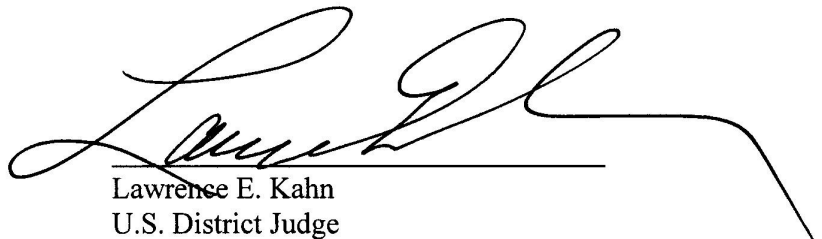
**ORDERED**, that the Commissioner's decision is **AFFIRMED**, and the Commissioner's Motion for judgment on the pleadings (Dkt. No. 20) is **GRANTED**; and it is further

**ORDERED**, that Plaintiff's Motion for judgment on the pleadings (Dkt. No. 16) is **DENIED**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: February 16, 2011  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge